

Mail completed form to:

PUBLIC UTILITIES COMMISSION  
500 EAST CAPITOL AVENUE  
PIERRE, SD 57501  
ATTN: SOUTH DAKOTA ONE CALL BOARD

**OC03-011**

RECEIVED

AUG 14 2003

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

## **COMPLAINT**

COMPLETE INFORMATION IS REQUIRED – ADDITIONAL PAGES MAY BE USED IF REQUIRED

### **ALLEGATION OF PROBABLE VIOLATION(S) OF SOUTH DAKOTA ONE CALL LAWS**

#### **I. ACTION REQUESTED BY:**

COMPLAINT FILED BY INDIVIDUAL OR BUSINESS\* ☒ PERSON FILING COMPLAINT (Please print):

COMPANY (If applicable): Runge Enterprises, Inc. ADDRESS: 3500 Hovland Drive PHONE NUMBER: (605)334-4833

SIGNATURE OF COMPLAINANT: *Robert R. R.* DATE: 8-11-03 EMAIL ADDRESS: bob@runge-enterprises.com

\*If the complaint is filed on behalf of a Company, the person signing this form should have the proper authority to file the complaint.

#### **II. ACTION REQUESTED AGAINST:**

NAME OF EXCAVATOR/FACILITY OPERATOR: Qwest PHONE NUMBER: (877)877-0082

ADDRESS: P.O. Box 47604 Plymouth, MN 55447

WAS A LOCATE REQUESTED FROM SD ONE CALL? YES LOCATE TICKET #: 031400724

START DATE ON TICKET: 5-23-03

DID EXCAVATOR WAIT UNTIL THE START DATE/TIME ON THE TICKET BEFORE COMMENCING EXCAVATION? YES ☒ NO ☐

WERE BURIED FACILITIES EXPOSED BY HAND OR WITH NON-INVASIVE EQUIPMENT PRIOR TO EXCAVATION? YES ☐ NO ☒

#### **III. FACILITY INVOLVED (IF ANY)**

TYPE OF FACILITY INVOLVED: Buried Phone Cable OPERATOR OF FACILITY (IF KNOWN): Qwest

OPERATOR ADDRESS: P.O. Box 47604 Plymouth, MN 55447 PHONE NUMBER: (877)877-0082

DEPTH OF COVER: 2' PRESSURE: N/A VOLTAGE: N/A NUMBER OF CABLE PAIRS: 1 -- 600 Pair and 2 -- 100 Pair

#### **IV. MARKING**

WERE FACILITIES MARKED? NO

WAS THE MARKING COMPLETE PRIOR TO THE START TIME ON THE TICKET? NO

DID EXCAVATOR PRE-MARK WITH WHITE PAINT? NO

WAS THE FACILITY MARKED ACCURATELY (WITHIN 18 INCHES)? NO

DID EXCAVATOR USE REASONABLE CARE TO MAINTAIN LOCATE MARKS FOR LIFE OF PROJECT? YES

HAVE YOU DISCUSSED THE PREVIOUS STATEMENTS WITH THE OTHER PARTY? YES

IS THERE AGREEMENT? NO

IF NO, PLEASE EXPLAIN: Qwest Claims Office believe that the lines were marked and flagged and we disagree.

## V. DAMAGE (IF ANY)

FATALITIES: 0 INJURIES: 0 LENGTH OF HOSPITALIZATION: 0

ESTIMATED PROPERTY DAMAGE (\$): 4,974.12 NUMBER OF CUSTOMERS AFFECTED: ?

DAMAGED IN: PUBLIC (RIGHT-OF-WAY)

PHOTOS OF THE DAMAGED FACILITY? NO

### ADDITIONAL INFORMATION:

Owest Claims Office sent us a bill for damage claims on 1 – 600 pair of communications line. During conversation with Qwest Claims Office the bill includes damage to 2 – 100 pair of communications line also, which was not mention on the damage claim invoice. At the time of the conversation with Qwest Claims I was only aware of the 1 – 600 pair of communication line being damaged. I did not realize at that time, that the 1 – 600 pair and the 2 – 100 pair were in the same trench and damaged at the same time. I did not dispute the responsibility of damage to the 2 – 100 pair at the time of the conversation. After further discussion with the heavy equipment operators from our company did I fully realize that all the lines were in the same trench. As per discussion with Runge Enterprises, Inc. personnel this is the following sequence of events that took place after the lines were damaged.

1. Qwest was called and informed that lines possibly belonging to them were damaged on West 85<sup>th</sup> Street – between Louise Avenue and Hughes Avenue. Qwest arrived on site to repair lines.
2. Approximately at the same period United Locating Services arrived on site to mark the line.
3. Discussion was initiated between United Locating Services, Qwest, and Runge Enterprises, Inc. as to the cause of the damaged lines, if the lines were marked, and what the locate ticket instructions were.
4. The lines were not marked at the time of the damage and all three parties agreed to this observation.
5. Runge Enterprises, Inc. personnel asked why the lines had not been marked. United Locating Services told Qwest and Runge Enterprises, Inc. that line was outside the construction areas discussed on the locate ticket instructions and therefore the lines were never marked.
6. Runge Enterprises, Inc. personnel called me at my office so I could review the locate ticket instructions and at the same time United Locating Services reviewed the locate ticket instructions from their office.
7. After reviewing the locate ticket, the instructions were to start at the intersection of West 85<sup>th</sup> Street and Louise Avenue and marked and flag entire road right of 85<sup>th</sup> Street going west to 400 feet past Hughes Avenue.
8. The locate ticket instructions included the area where the lines were damaged. United Locating Services admitted onsite to Qwest personnel and Runge Enterprises, Inc. personnel that they had read the instructions wrong when marking the lines. United Locating Services explained that they thought they needed to only mark 400 feet west of Hughes Avenue.
9. It was determined in the field and agreed upon by the three parties that the lines was never marked and United Locating Services was at fault.

## **VI. PROBABLE VIOLATION**

**SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED:** South Dakota statues 49-7A-8 and 49-7A-9

**ADDRESS/LOCATION OF PROBABLE VIOLATION:** Entire road right of way of West 85<sup>th</sup> Street from Louise Avenue to 400' west of Hughes Avenue

**DATE/TIME OF PROBABLE VIOLATION** Prior to June 4, 2003

**HAVE YOU DISCUSSED THIS PROBABLE VIOLATION WITH THE PARTY THE ACTION IS FILED AGAINST:** YES

**IF YES, NAME OF THE PARTY WITH WHOM YOU DISCUSSED THE PROBABLE VIOLATION:** Courtney and Nicole at Qwest Claims Office

**DESCRIPTION OF PROBABLE VIOLATION:** Communication lines were never marked as per requested by the instructions on the locate ticket.

## **South Dakota One Call**

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**From:** "South Dakota One Call" <exedir@sdonecall.com>  
**To:** <bob@runge-enterprises.com>  
**Sent:** Sunday, August 17, 2003 11:46 AM  
**Attach:** OC03-011 Clarification Draft of Complaint.doc  
**Subject:** Complaint Clarification

Bob: Per our conversation, I have had Complaint OC03-011 which Runge Enterprises filed against Qwest Communications reformatted to clarify the issues that are relevant to the complaint. This is for your review and modification if you desire. There is no obligation on your part to change the wording or format of the original document you submitted but we have brought this to your attention as a means to insure that the complainant against party and the Committee that reviews the complaint and response have a clear understanding of the issues. All suggestions are either highlighted in yellow or entered in red.

If you have any questions, please give me a call at 339-0529. When you have completed the review and if you desire to make any changes to the original complaint you filed, please send the modified complaint to:

SD One Call  
1012 N. Sycamore Ave.  
Sioux Falls, SD 57110

Larry Englerth  
Executive Director  
South Dakota One Call  
605-339-0529



3500 Hovland Drive • Sioux Falls, SD 57107

Ph.: 605-334-4833 • Fax: 605-334-1989

- Grading
- Site Development
- Clearing
- Demolition
- Trucking
- Sewer
- Water

## FAX

**To:** South Dakota One Call  
Attention: Larry

**From:** Bob Roth

**Date:** August 19, 2003

**Re:** Complaint Form

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Following is the complaint form as per revisions recommended. If you think of any other changes that would make this process easier let me know. Thank you for your help with this matter.

Mail completed form to:

PUBLIC UTILITIES COMMISSION  
500 EAST CAPITOL AVENUE  
PIERRE, SD 57501  
ATTN: SOUTH DAKOTA ONE CALL BOARD

## COMPLAINT

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### ALLEGATION OF PROBABLE VIOLATION(S) OF SOUTH DAKOTA ONE CALL LAWS

#### I. ACTION REQUESTED BY:

COMPLAINT FILED BY INDIVIDUAL ☐ OR BUSINESS\* ☒ PERSON FILING COMPLAINT: Robert Roth

COMPANY: Runge Enterprises, Inc. ADDRESS: 3500 Hovland Drive, Sioux Falls, SD 57107 PHONE NUMBER (605) 334-4833

SIGNATURE OF COMPLAINANT: Robert Roth DATE: 8/11/03 EMAIL ADDRESS: bob@runge-enterprises.com

\*If the complaint is filed on behalf of a Company, the person signing this form should have the proper authority to file the complaint.

#### II. ACTION REQUESTED AGAINST:

NAME OF EXCAVATOR/FACILITY OPERATOR: Qwest PHONE NUMBER: (877) 877-0082

ADDRESS: P. O. Box 47604, Plymouth, MN 55447

WAS A LOCATE REQUESTED FROM SD ONE CALL? YES ☒ NO ☐ LOCATE TICKET #: 031400724

START DATE ON TICKET: 5-23-03

DID EXCAVATOR WAIT UNTIL THE START DATE/TIME ON THE TICKET BEFORE COMMENCING EXCAVATION? YES ☒ NO ☐

WERE BURIED FACILITIES EXPOSED BY HAND OR WITH NON-INVASIVE EQUIPMENT PRIOR TO EXCAVATION? YES ☐ NO ☒

#### III. FACILITY INVOLVED (IF ANY)

TYPE OF FACILITY INVOLVED: Multiple Phone Cables OPERATOR OF FACILITY : Qwest

OPERATOR ADDRESS: P.O. Box 47604, Plymouth, MN 55447 PHONE NUMBER: (877) 877-0082

DEPTH OF COVER: 2' PRESSURE: NA VOLTAGE: NA NUMBER OF CABLE PAIRS: 1 600-pair and 2 100-pair

#### IV. MARKING

WERE FACILITIES MARKED? YES ☐ NO ☒

WAS THE MARKING COMPLETE PRIOR TO THE START TIME ON THE TICKET? YES ☐ NO ☒

DID EXCAVATOR PRE-MARK WITH WHITE PAINT? YES ☐ NO ☒

WAS THE FACILITY MARKED ACCURATELY (WITHIN 18 INCHES)? YES ☐ NO ☒

DID EXCAVATOR USE REASONABLE CARE TO MAINTAIN LOCATE MARKS FOR LIFE OF PROJECT? YES ☒ NO ☐

HAVE YOU DISCUSSED THE PREVIOUS STATEMENTS WITH THE OTHER PARTY? YES ☒ NO ☐

IS THERE AGREEMENT? YES ☐ NO ☒

IF NO, PLEASE EXPLAIN: Qwest Claims that the lines were marked and flagged by their locate contractor (United Locating Service). This is contrary to the discussion that took place at the damage site on June 4, 2003

**V. DAMAGE (IF ANY)**

**FATALITIES:** None    **INJURIES:** None    **LENGTH OF HOSPITALIZATION:** N/A

**ESTIMATED PROPERTY DAMAGE (\$):** \$4,974.12    **NUMBER OF CUSTOMERS AFFECTED:** Unknown

**DAMAGED IN:** PUBLIC ☒    PRIVATE ☐ (**RIGHT-OF-WAY**)

**PHOTOS OF THE DAMAGED FACILITY?** YES ☐ NO ☒

**ADDITIONAL INFORMATION:**

All cables referenced in this complaint were in a common trench and were not marked.

Sketch of work site and point of damage included

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**VI. PROBABLE VIOLATION****SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED:**

SDCL 49-7A-8 Location of Underground Facilities – Marking - Contractor hired by Qwest failed to mark the underground facilities within the forty-eight hours allowed by statute.

**ADDRESS/LOCATION OF PROBABLE VIOLATION:**

Entire Road ROW or West 85<sup>th</sup> Street from Louise Avenue to 500' West of Hughes Avenue

**DATE/TIME OF PROBABLE VIOLATION:** Prior to June 4, 2003

**HAVE YOU DISCUSSED THIS PROBABLE VIOLATION WITH THE PARTY THE ACTION IS FILED AGAINST:** YES ☒ NO ☐

**IF YES, NAME OF THE PARTY WITH WHOM YOU DISCUSSED THE PROBABLE VIOLATION:**

Field Personnel from Qwest and United Locating Service on June 4, 2003 and also with Courtenay and Nicole from the Qwest Claims Office.

**DESCRIPTION OF PROBABLE VIOLATION:**

Ticket Number 031400724 was called in on May 20, 2003 with a excavation start date of May 23, 2003 at 9:00 AM.

Excavation activity on this project commenced on May 30, 2003.

On June 4, 2003 at about 2:00 PM, Qwest was called and informed that lines, possibly belonging to them, had been damaged on West 85<sup>th</sup> Street between Louise Avenue and Hughes Avenue. (Sketch attached reflecting specific location)

Shortly thereafter, a Qwest technician arrived at the site and a brief time later a representative of United Locating Service also arrived at the site.

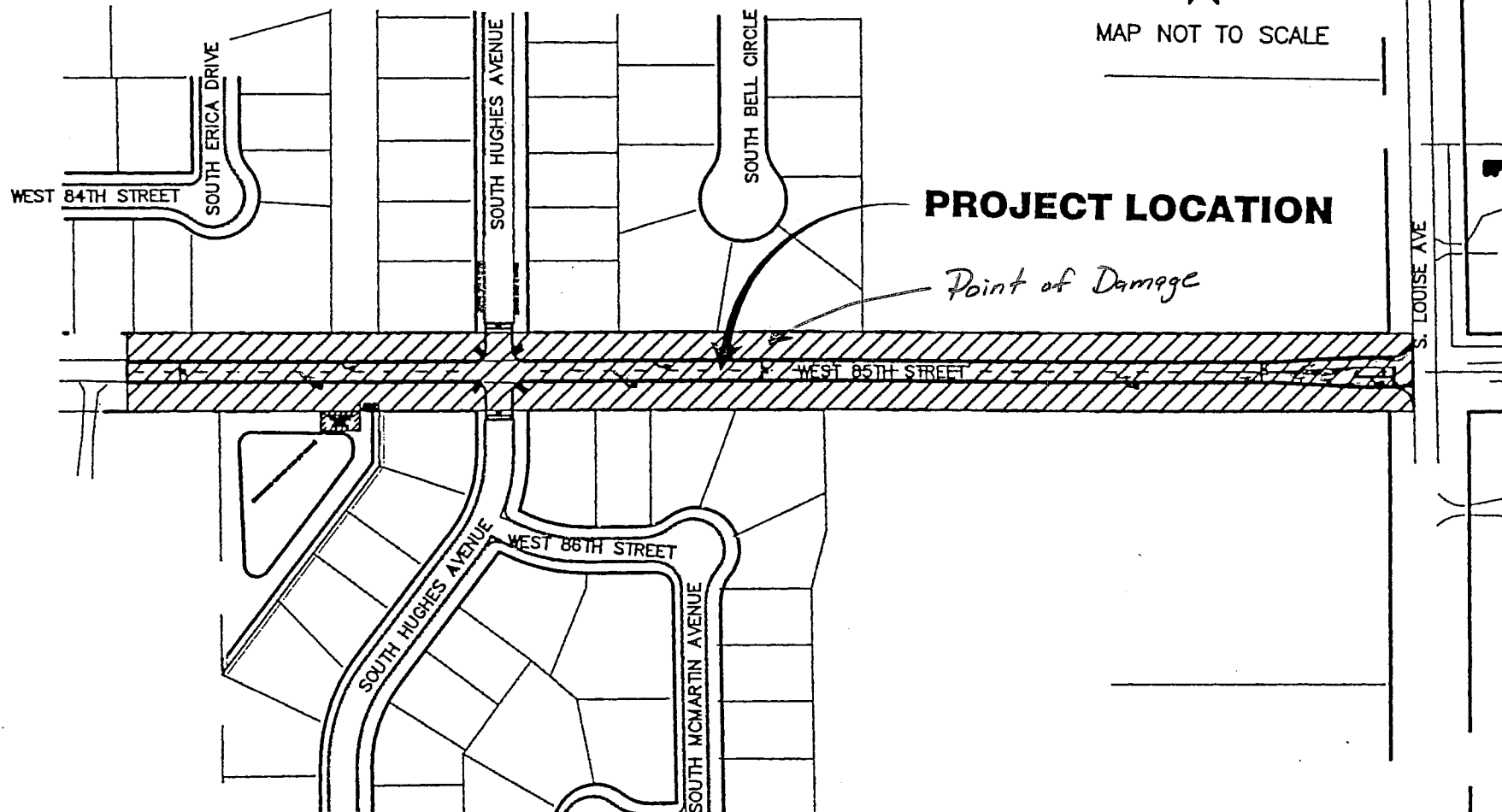
Discussion between the three parties: Runge Enterprises (Mike Runge, Bob Nady, & Wade Vanden Berg), Qwest and United Locating Service concluded that no marking (flags or paint) were visible at the point of the damage. Statement from Mike Runge, Bob Nady, & Wade Vanden Berg is attached.

Subsequent discussion occurred relative to whether the point of damage was within the excavation area identified on the one call ticket. This was the primary issue of United Locating Service and their representative at the site called his office to verify the marking instructions on the ticket. Mike Runge called me (Robert Roth) and requested that I provide him the specific marking instructions on the ticket. I read him the information from the ticket "Mark and Flag starting at above intersection on 85<sup>th</sup> St. West, to 500 ft west of Hughes Avenue". The above intersections include 85<sup>th</sup> Street and Louise Avenue.

The parties at the site from Runge, Qwest, and United Locating Service agreed that the point of damage was within the excavation site on the ticket. The representative from United Located stated that it was his understanding that he only needed to mark the area 500 feet west of Hughes Avenue. It was agreed by all parties at the site that the area involved in the damage had not been marked.



MAP NOT TO SCALE



### LOCATION MAP

CITY OF SIOUX FALLS  
SECTIONS 17 & 20, T100N, R50W OF  
THE 5TH PRINCIPAL MERIDIAN,  
MINNEHAHA COUNTY, SOUTH DAKOTA



South Dakota One Call

SEQUENCE NUMBER 0073 CDC = NN1

Type: \*\*\* R O U T I N E

\*\*\* Class: TRANSMIT

Transmit: 05/20/03

At: 1939 CDT

Prepared: 20-MAY-03

Time: 1905 CDT By: KUN

Ticket No.: 031400724

Operators Notified:

ATT=/AT&T / DAT=/PRAIRIEWAVE / LCR=/LINCOLN RRL WTR/  
M0B=/MEC-SIOUX FALLS/ NN1=/N NATURAL GAS / NSP=/XCEL ENERGY /  
SFA=/SIOUX FALLS WTR/ SFC=/MCC SIOUX FALLS/ UWS=/US WEST-ULS /

Excavator Information:

Caller: BOB ROTH

Phone: 605-334-4833

Excavator: RUNGE ENTERPRISES

Address: 3500 HOVLAND DR

City: SIOUX FALLS, SD 57107

Phone: 605-334-4833

Fax: 605-334-1989

Contact: BOB ROTH

Phone: 605-334-4833

Alt. Contact: MIKE RUNGE

Phone: 605-334-4833

Location Information:

County: LINCOLN City/Village: SIOUX FALLS City Limits?: Y

Map Ref: 43284-096460 Grids: 2

Exc. Site Address: 0 85TH ST

Nearest Intersection: S LOUISE AVE

Type of Work: ROAD RECONSTRUCTION

Work Being Done For: CITY OF SIOUX FALLS

Depth: 8FT

Explosives: N

Tunnel/Bore: N

Start Date: 05/23/03

Time: 0900 CDT

Duration: 30 DAYS

Meeting Required: N

Best Time to Contact: 0800 - 0800

Exc. Site (Marking Instr.):

R.O.W.: Y TRSQ: 100N 50W 17-SE

MARK AND FLAG STARTING AT ABOVE INTERSECTION ON 85TH ST WEST, TO  
500FT WEST OF HUGHES AVE

Remarks:

EXPIRATION DATE 13-JUN-03

End Ticket

## West 85<sup>th</sup> Street Phone Line Damages

### Runge Enterprises, Inc. Employee Statements:

I, Mike Runge, hereby state that the multiple phone lines at the point of damage on West 85<sup>th</sup> Street had no visible marking (flag or paint) prior to damage being done on June 4, 2003.

Signature: Mike Runge

Date: 8/20/2003

I, Bob Nady, hereby state that the multiple phone lines at the point of damage on West 85<sup>th</sup> Street had no visible marking (flag or paint) prior to damage being done on June 4, 2003.

Signature: Bob Nady

Date: 8-20-03

I, Wade Vanden Berg, hereby state that the multiple phone lines at the point of damage on West 85<sup>th</sup> Street had no visible marking (flag or paint) prior to damage being done on June 4, 2003.

Signature: Wade Vanden Berg

Date: Aug 20, 03